

*******SAMPLE MOTION AND ORDER FOR EXPUNGEMENT OF ARREST RECORDS*******
(This form is to serve as an example only. Photocopies of this form will not be accepted as an original motion and order. Original motions and orders should be typed or printed neatly.)

IN THE MUNICIPAL COURT OF THE CITY OF WICHITA

CITY OF WICHITA

v.

(Petitioner)

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Docket number, if any, if not,
WPD Incident No.

MOTION AND ORDER FOR EXPUNGEMENT OF ARREST RECORDS

COMES NOW, _____, Petitioner and moves the Court for an order of expungement, pursuant to Charter Ordinance No. 175, Section 2. In support of his/her motion, Petitioner would show the court the following:

1. Petitioner's full name at the time of his/her arrest was _____. Petitioner's current name is _____. Petitioner is a _____ [race/sex] whose date of birth is _____. Petitioner's social security number is _____.
2. Petitioner was arrested on _____ [date] for the crime of _____ [charge] in violation of Section _____ of the Code of the City of Wichita.
3. The Wichita Police Department's case number for the incident involving this arrest is _____.
4. There are grounds warranting expungement of Petitioner's arrest, specifically, [select one: (1) the arrest occurred because of mistaken identity; (2) a court has found that there was no probable cause for the arrest; (3) the petitioner was found not guilty in court proceeding _____ (note the applicable court, the case or docket number, and the date of final disposition); or (4) the expungement would be in the best interests of justice because (select one) (1) charges have been dismissed (note the applicable court and the case or docket number, if one); or (2) no charges have been or are likely to be filed].

WHEREFORE, Petitioner requests the Court enter an order expunging his/her record of arrest as set forth above, and grant any and all other further relief the court deems just and equitable.

Petitioner

ORDER FOR EXPUNGEMENT OF ARREST RECORD

NOW ON THIS ____ day of ____, ____, this matter comes on for hearing upon the Motion of the Petitioner for an order expunging his/her arrest record(s). The Petitioner appears in person [and by counsel, if applicable]. The City of Wichita appears by and through its attorney, Ted Griffith.

The Court, after having examined the file and hearing the statements of counsel, finds:

1. Petitioner's full name at the time of his/her arrest was _____. Petitioner's current name is _____. Petitioner is a _____ [race/sex] whose date of birth is _____. Petitioner's social security number is _____.
2. Petitioner was arrested on _____ [date] for the crime of _____ [charge] in violation of Section _____ of the Code of the City of Wichita.
3. The Wichita Police Department's case number for the incident involving this arrest is _____.
4. There are grounds warranting expungement of Petitioner's arrest, specifically [enter the grounds alleged from the petition].
5. If the grounds warranting expungement are Number (4) above, the following language should be included in the order:
"The Court further finds that in the interest of the public welfare, the records of Petitioner's arrest should be available for the purposes set forth in Charter Ordinance 122, Section 13 (1) (e), as further set forth in Charter Ordinance 175, Section 2, of the Code of the City of Wichita."
6. That the defendant should be released from all penalties and disabilities resulting from said arrest, [add this language only if the grounds warranting expungement are Number (4) above:
"...that, except for the limitations set forth in Charter Ordinance 122, Section 13(1)(e), as further set forth in Charter Ordinance 175, Section 3, the Petitioner shall be treated as not having been arrested for the crime set forth above"].

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the arrest(s) set forth above are hereby expunged. The Petitioner shall be treated in all respects as not having been arrested for the aforementioned crime [if the grounds for expungement are Number (4) above add this language: "except as provided in Section 13 (1)(e) of Charter Ordinance 122, as set forth in Charter Ordinance 175, Section 3, of the Code of the City of Wichita, Kansas.]

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that [use this language only if grounds for expungement are Number (4) above: "...subject to the disclosures required pursuant to subsection (1) (e) of Section 13 of Charter Ordinance No. 122, as set forth in Charter Ordinance 175, section 2, of the Code of the City of Wichita, Kansas], in any application for employment, license or other civil right or privilege, or as part of any appearance as a witness, the Petitioner may state that she/he has never been arrested, in relation to the above incident.

IT IS SO ORDERED.

Municipal Court Judge

APPROVED:

Petitioner

Ted Griffith #20345